

REMARKS

Applicants canceled claims 5-8, 17, 21, 22, 27-34, and 39-42; amended claims 1, 11, 15, 16, 26, 35, 43, 45, 47, and 49; and added new claims 52-88. No new matter has been added. The Examiner's indication that claims 11-12, 15, 22-23, 45-46, 49, and 51 are allowable if rewritten in proper form is acknowledged. Claims 1-4, 9-16, 18-20, 23-26, 35-38, and 43-88 are presented for examination.

Election/Restriction

In response to the restriction requirement, Applicants affirm election of claims 1-26 and 35-51, without traverse. Claims 27-34 have been canceled.

Claim Objections

The Examiner objected to claims 1-26 and 35-51. Applicants amended claims 1, 16, 35, and 43-49 to address the objections.

Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claims 8, 20, and 42 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants canceled claims 8, 20, and 42, which obviates the rejection. Accordingly, Applicants request that the rejection under 35 U.S.C. § 112 be withdrawn.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected claims 1-6, 9-10, 13-14, 16-18, 21, 24, 26, 35-40, 43-44, 47-48, and 50 under 35 U.S.C. §102(b) as anticipated by Ternoir et al. (U.S. Patent No. 5275645) or Lutz et al. (U.S. Patent No. 5973044). Applicants amended independent claims 1, 16, and 35 to include features of claims 8, 20, and 42, respectively. Claims 8, 20, and 42 were not rejected as anticipated by Ternoir et al. or Lutz et al. Claims 2-4, 9-10, 13-14, 18-20, 23-26, 36-38, 43-44, 46-48, and 50 depend on amended independent claims 1, 16, and 35, and are patentable for at least the same reasons. Therefore, the rejection under 35 U.S.C. §102(b) should be withdrawn.

Applicant : Richard J. Larson, Jr., et al.
Serial No. : 09/855,916
Filed : May 15, 2001
Page : 9

Attorney's Docket No.: 06155-063001

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 7, 19, and 41 under 35 U.S.C. § 103(a) as being unpatentable over Ternoir et. al (U.S. Patent No. 5275645). Applicants canceled claims 7 and 41, which obviates the rejection. Claim 19 depends from amended claim 16 and is patentable for at least the same reasons that claim 16 is patentable over Ternoir.

New claims 52-80, 87, and 88 depend from amended independent claims 11, 15, 45, and 49, and are patentable over the cited references for at least the same reasons discussed above. New claims 81-86 are patentable over Ternoir et al. or Lutz et al. because neither references disclose or suggest a composition comprising a phenyl methyl silicone polymer wherein the weight ratio of phenyl to methyl is 0.4:1 and 2.1:1, and a crosslinking agent.

Applicants believe the claims are in condition for allowance, which action is requested.

Attached is a marked-up version of the changes being made by the current response. Enclosed is a check in the amount of \$324 for excess claim fees. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: September 16, 2002

Tu N. Nguyen
Tu N. Nguyen
Reg. No. 42,934

Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906



Version with markings to show changes made

In the claims:

Claims 5-8, 17, 21, 22, 27-34, and 39-42 have been cancelled.

Claims 1, 11, 15, 16, 26, 35, 43, 45, 47, and 49 have been amended as follows:

1. (Amended) A marking composition, comprising:

a [polymerizable] polymer first material [that comprises] comprising silicon; and
a second material capable of extending polymeric chains of the first material,
wherein the first material comprises a phenyl methyl silicone resin and the weight ratio of phenyl to methyl groups is between about 0.4:1 and 2.1:1, and

the marking composition is capable of undergoing a change that can be detected optically when the composition is contacted with energy.

11. (Amended) [The composition of claim 1] A marking composition, comprising:
a polymer first material comprising silicon;

a second material capable of extending polymeric chains of the first material; and
a blocked crosslinking agent,

wherein the marking composition is capable of undergoing a change that can be detected optically when the composition is contacted with energy.

15. (Amended) [The composition of claim 1] A marking composition, comprising:
a polymer first material comprising silicon;

a second material capable of extending polymeric chains of the first material; and
an optical tag,

wherein the marking composition is capable of undergoing a change that can be detected optically when the composition is contacted with energy.

16. (Amended) A marking composition, comprising:

RECEIVED
SEP 26 2002
TC 1700

a [polymerizable] polymer silicone resin; and
a blocked crosslinking agent capable of crosslinking with the resin[; and
a polyol capable of extending polymeric chains of the silicone resin]
wherein the marking composition is capable of undergoing a change that can be detected
optically when the composition is contacted with energy.

26. (Amended) The composition of claim 16, comprising
about 10 to about 90 percent of the resin; and
about 0.1 to about 9 percent of the crosslinking agent[; and
about 1 to about 10 percent of the polyol].

35. (Amended) An article, comprising:
a substrate; and
a marking composition on the substrate, the composition comprising:
a [polymerizable] polymer first material [that comprises] comprising silicon; and
a second material capable of extending polymeric chains of the first material,
wherein the first material comprises a phenyl methyl silicone resin and the weight ratio of
phenyl to methyl groups is between about 0.4:1 and 2.1:1, and
the marking composition is capable of undergoing a change that can be detected optically
when the composition is contacted with energy.

43. (Amended) The article of claim 35, wherein the composition further [comprising]
comprises a crosslinking agent.

45. (Amended) [The article of claim 35,] An article, comprising:
a substrate; and
a marking composition on the substrate, the composition comprising
a polymer first material comprising silicon;
a second material capable of extending polymeric chains of the first material; and
a blocked crosslinking agent,

wherein the marking composition is capable of undergoing a change that can be detected optically when the composition is contacted with energy.

47. (Amended) The article of claim 35, wherein the composition further comprises a catalyst.

49. (Amended) [The article of claim 35,] An article, comprising:
a substrate; and
a marking composition on the substrate, the composition comprising
a polymer first material comprising silicon;
a second material capable of extending polymeric chains of the first material; and
an optical tag,

wherein the marking composition is capable of undergoing a change that can be detected optically when the composition is contacted with energy.